Expenditure on legal reforms

† 2609. SHRI KALRAJ MISHRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that State Governments are worried over their poor financial position and wish that all the expenses to be incurred for legal reforms and providing speedy justice to common man should be borne by Government;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) whether Government would take any positive step in this direction; and

(e) if so, the estimated expenses to be incurred thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) to (d) Legal reforms constitute a wide spectrum of issues which, *inter-alia,* include amendment of procedural laws like the Code of Civil Procedure, Criminal Procedure Code etc. for which are no considerable financial implications. It is also the primary responsibility of the State Government to provide funds for the expenditure relating to the concerned High Court and Subordinate Judiciary including expenses for legal reforms to provide speedy justice to the common man.

The State Governments from time to time ask for funds to meet their requirements. The Supreme Court in their judgement of March 21, 2002 in All India Judges Association & Others *Vs.* Union of India and Others, Writ Petition (c) No. 1022 of 1989 rejected the Shetty Commission's recommendation that the Central Government should share half of the annual expenditure on Subordinate Courts.The Court held :

> "It has not been disputed that at present the entire expensed on the administration of justice in the States is incurred by the respective States. It is their responsibility and they discharge the same. Logically, if there is to be any increase in the expenditure on judiciary, then it would be for the States

† Original notice of the question was received in Hindi.

to mobilise the resources in such a way whereby they can meet expenditure on judiciary for discharging their constitutional obligations. Merely because there is an increase in the financial burden as a result of the Shetty Commission Report being accepted, can be no ground for fastening liability on the Union of India when none exists at present. Accordingly, disagreeing on this point with Justice Shetty Commission recommendations, we direct that the entire expenditure on account of the recommendations of the Justice Shetty Commission as accepted be borne by the respecitve States. It is for the states to increase the court fee or to approach the Finance Commssion or the Union of India for more allocation of funds. They can also mobilise their resources in order to meet the financial obligation. If such a need arises and the States approach the Finance Commission or the Union of India for allocation of more funds, we have no doubt that such a request shall be favourably considered."

The Central Government has been providing assistance to the State Governments on 50% sharing basis, in the form of Centrally Sponsored Scheme for development of infrastructural facilities for the Judiciary which includes construction of court buildings and residential premises for judges/judicial officers covering both High Courts and Subordinate Courts. Funds are also being provided for the pilot project of computerization of City Civil Courts in the four major metro cities of Delhi, Mumbai, Chennai and Kolkata for the establishment of computerised facilitation centres/enquiry counters in High Courts etc. From the current year, assistance is also being given for establishment of new Family Courts from both plan and non-plan side. An allocation of Rs. 700 crore has been made for all such infrastructure development schemes during the current Five Year Plan (Xth Plan). The Central Government has also released grant to the tune of Rs. 328.28 crore so far for the establishement of Fast Track Courts from out of the allocation of Rs. 502.9 crore for the current Five Year Plan.

(e) As legal reforms cannot be quantified, it is not possible to estimate the expenditure to be incurred thereon.